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**DIANE M. SYMONDS**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Office of Public Safety and Inspections**  
**Architectural Access Board**

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Board Meeting Minutes – October 21, 2019 9:00 a.m. – 5:00 p.m.  
One Ashburton Place, 21<sup>st</sup> Floor, Conference Room 3, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- Bruce Hopper, Chief Legal Counsel, DPL (BH)
- William Joyce, Compliance Officer, AAB (WJ)
- Karen Brann, Program Coordinator (KB)

Board Members not in Attendance:

- Andy Bedar (AB)
- Raymond Glazier (RG)

WW- JH, DJ, PM ,HR , WW

The Chair opened the meeting.

1. Cumnock Hall at Harvard Business School, 33 Harvard Way, Boston, V19-268  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.  
Three year time variance to do access work. 13 items.

*JH motioned to continue for the petition to provide a phasing plan to the Board within 60 days.*

*DJ seconded, passed unanimously,*

DG arrived

JD arrived

2. Connecticut River Greenway, 68 Damon Road, Northampton, V19-269

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Flooding destroyed handrails at the bottom of the ramp. Ramp provides access to the water.

Perhaps they can be moved further from the water.

Not required under 521 CMR. Want to keep ramp without handrails.

No variance is required under current regulations.

*HR motioned to grant. DG seconded. JD abstained. Motion passed.*

3. Block P, 400 Summer Street, Boston, V19-150

Exhibit: Petitioner’s submission and associated documents

Mr. Joyce presented the Petitioner’s submission and associated documents.

PM recused herself and left the room

The Board received an amendment proposing a center rail.

*DG motioned to grant on condition they are compliant with 27.4 including the wall side. JD seconded, passed unanimously.*

4. Multi-Family Residential Units, 28 Austin Street, Newtonville, V19-276

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

9.5.5 Washer requirements

Will replace upon request.

*HR motioned to grant on the condition units replaced within 30 days of request, and language in lease agreement and advertisements, at no cost to tenant. JH seconded, [passed unanimously.*

Existing Four Story, 82-84 Concord Street, Framingham, V19-270

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking relief on the entrance ramp slope.

Restaurant space converting into a retail space.

*JH motioned to continue for additional financial information on the cost of making slope compliant and how it will affect the landings, feasibility study. DJ seconded*

6. Colrain Central School, 22 Jacksonville Road, Colrain, V19-271

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Proposing the use of a temporary ramp for means of emergency egress to class room in elementary school for a particular student.

They want to be able to move it with the student year by year.

*DG motioned for more information on the exact placement of the ramp, plans of the entire building, how the classrooms are entered, JH seconded, motion passed.*

7. Hanover Mystic River, 61 Locust Street, Medford, V19-272  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.

New residential seeking relief for sinks and outlets.

*HR motioned to grant with the usual conditions and time frames.  
JD seconded, passed unanimously.*

8. Harry Lee Cole School, 26 Middleton Road, V19-273 and C18-081  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.  
The petitioner is seeking a time variance on site paths and parking. Seeking relief for three years.  
Provided a detailed time line. Need to go through town meeting.  
Seeking time for grades and accessible parking.

*JD motioned to schedule a hearing. PM seconded, passed unanimously.*

9. New Three Story, 9 Dehon Street, Revere, V19-274  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.  
Proposing a straight on back off lift for second floor units.

*JD motioned to grant on condition lift door is automatic. HR seconded, passed unanimously.*

10. Office Building, 150 Broadway, Cambridge, V19-275  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.  
Seeking relief to maintain existing curbed staircase.

*HR motioned to grant on condition of appropriate directional signage from stairs to location of elevator and all stair elements comply with 521 CMR. JD seconded, passed unanimously.*

11. Warren House, 1600 Washington Street, Newton, V19-277  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.

Three variances. High school converted to apartment buildings. Affordable housing.

1. Staircases lacks newel posts. Proposing compliant but not continuous outer rails.

*JD motioned to grant on the condition the outer handrails are continuous throughout the landing. HR seconded, passed unanimously.*

2. 24.4 existing ramp  
Continuous handrails on both sides. Run is 10 feet over.

*DG motioned to grant on condition handrails comply. JD, seconded, HR opposed.*

3. Shower locations - UFAS uniform federal accessibility standards. Want to move controls to short wall.

*JH motioned for more information on the UFAS regulations and why they are using UFAS.  
HR seconded, passed unanimously.*

RC arrived 10:19 a.m.

#### Advisory Opinions

13. Larry Braman design question – Group 1 bathroom design.

General clearance requirements for group 1 units. Do designs meet the requirement in 42?

*JD motioned that picture on page 2, the clearance does not meet 42.7.1B as it appears perpendicular not parallel to tub. JH*

*JD motioned to continue for information on graphic on page 1 of the advisory opinion. More detail as to why 30 x 48 box is where it is and not in front of the toilet.*

*JH seconded, passed unanimously.*

14. Group 1 and Group 2A bathtub and shower reinforcement. Prefabricated units with built-in structural reinforcement in the fiberglass. If the built-in structural reinforcement provides structural reinforcement in the ranges specified by 521 CMR, would this be equivalent to having blocking? Or would blocking be required in addition to the prefab unit regardless. Thomas A. Svirsky, Cosentini Associates, 101 Federal Street, Suite 600, Boston  
Blocking in showers with fiberglass stalls in prefab unit. Group 1 and Group 2A bathtub and shower reinforcement. Does it require a variance?

*JD motioned that a variance is required. PM seconded, DG abstained. Passed*

*JD motioned that the board would entertain alternate designs with appropriate structural support if someone was to build a grab bar. PM seconded, passed unanimously.*

15. Hemmingway School, 729 Water Street, Framingham, C19-048

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Received a complaint on lack of access aisle. They need to provide 4 spaces, they have 7 spaces including 3 vans. Signage doesn't have an access aisle.

JH motioned that this does not constitute a violation.

JH withdrew motion.

*HR motioned that it is a violation. JD seconded, passed unanimously.*

16. New three Family Home, 172 West Seventh Street, East Brookfield, V11-107  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents.  
Previously continued. Lift in South Boston. Filed a variance.

*JD motioned to schedule a hearing. DG seconded. Passed unanimously.*

17. 308 Lakeside, 308 East Main Street, East Brookfield, V14-256  
Exhibit – Variance Application and associated documents  
Mr. Joyce presented the Variance Application and associated documents, status report  
Status report is on time. Near end of time variance.

*JD motioned to accept status report. As indicated may be seeking addition al time they will need  
to amend variance quest within 60 days from receipt of amended notice.*

*JH seconded, passed unanimously.*

#### Hearing

11:00 a.m. - Patient & Family Parking Garage, 283 Longwood Avenue, Boston (V19-210) -  
Variance Hearing

Exhibit #1 – Hearing Package AAB 1- 42

Shaine Grogran, Jensen Hughes, (SG)

Sue Ellen Donahue, BCH Administration (SD)

Ted Dow, Jensen Hughes, (TD)

Jim Smith, BCH, (JS)

Derrick Naugler, Jensen Hughes (DN)

Todd Pearson, Jensen Hughes (TP)

Dawn Oates, Patient Advocate (DO)

WW – Introduced the Board.

All parties were sworn in by the Chair.

*HR motioned to take the matter under advisement. DJ seconded, passed unanimously.*

Advisory opinion

*HR motioned to take advisory opinion under advisement. DJ seconded, passed unanimously*

JD will not be at 1:00 pm hearing.

Main Street Stone Horse, 872 Route 28, Harwich Port, V19-194

Exhibit #1 – Hearing package AAB 1- 37

Exhibit #2 – Additional plans

Joseph Botelho, JB Design (JB)

Matthew Hart, Harwich Accessibility Rights, (MH)

Theodore Streibert, Chatham Architect, (TS)

Ronald Rudnick, Developer, (RR)

William Riley, Attorney, (WR)  
The parties were sworn in by the Chair.

PM, WW, HR, DG, DJ (no JD)  
JD recused himself and did not attend the hearing.

*HR motioned to continue for a complete set of construction plans compliant with 521, stamped by architect, cost of the elevator, and apply for any related variances if needed. DJ seconded, passed unanimously.*

The Board maintains an audio recording of the Hearing. The Board decision dated November 26, 2019, memorializes the Hearing.

Hearing  
2:00 p.m. Food Link Headquarters, 108 Summer Street, Arlington (V19-235) – Variance Hearing  
Exhibit #1– AAB 1-45  
Exhibit #2 – Facility Description and Description of Work  
Carl Solander Food Link Architect (CS)  
John Adams, Food Link Construction Mgr.  
DEAnne Dupont, Food Link (DA)  
Julie Ktzemer, Food Link (JK)

The parties were sworn in by the Chair.

*HR motioned on 20.11.1 to continue for additional information.  
JD seconded, passed unanimously.*

*HR motioned 28.1 to grant on the condition lift is installed as provided on the diagram, proposed accommodation in the lease language, and for this use only. DJ second, passed unanimously.  
(MM Voted)*

*HR motioned to continue for a final set of construction diagrams and any necessary variance requests. JD seconded, passed unanimously.*

The Board maintains an audio recording of the Hearing. The Board decision dated November 26, 2019, memorializes the Hearing.

Hearing  
Three story mixed use, 15-17 Lunenburg St, Fitchburg, V19-214  
Exhibit #1 Hearing package AAB 1- 24  
Brent Heinzer, B Thomas Heinzer Architect (BH)  
Paul Tocci, JR. Waverly Development, (PT)

The parties were sworn in by the Chair

DJ, DG, HR, WW, PM, MM, JD

*JD motioned to continue for petitioner to talk to the DPW to pursuing sidewalk improvements on making one or both inferences accessible with a better slope. DG seconded, passed unanimously.*

The Board maintains an audio recording of the Hearing. The Board decision dated October 21, 2019, memorializes the Hearing.

DJ left for the day.

Ray Ban Harvard Square, 37 Brattle Street, Space 19, Cambridge, V19-074  
Exhibit: Petitioner's submission and associated documents, proof of compliance  
Previously granted relief on the condition of an auto door opener and that the slope is kept clear.  
Sent in proof of compliance.

*JD motioned to accept proof of compliance to close the case.  
PM seconded, passed unanimously.*

Quasi-Judicial Session, Pursuant to G.L. c. 30A, § 18

*JD motioned to go into quasi-judicial session. DG seconded, passed unanimously.*

Roll call

DG, HR JD, PM, WW

*MM motioned to go out of quasi-judicial. DG seconded.*

*Roll call*

*PM HR MM DG WW*

Exhibits

Cumnock Hall at Harvard Business School, 33 Harvard Way, Boston, V19-268  
Exhibit - Variance Application and associated documents

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Harry Lee Cole School, 26 Middleton Road, V19-273 & C18-081  
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New Three Story, 9 Dehon Street, Revere, V19-274  
Exhibit - Variance Application and associated documents

Office Building, 150 Broadway, Cambridge, V19-275  
Exhibit - Variance Application and associated documents

Multi-Family Residential Units, 28 Austin Street, Newtonville, V19-276  
Exhibit - Variance Application and associated documents

Warren House, 1600 Washington Street, Newton, V19-277  
Exhibit - Variance Application and associated documents

Hemmingway School, 729 Water Street, Framingham, C19-048  
Exhibit - Variance Application and associated documents

New 3 Family Home, 172 West Seventh Street, South Boston, V11-107  
Exhibit - Variance Application and associated documents

308 Lakeside, 308 East Main Street, East Brookfield, V14-256  
Exhibit - Variance Application and associated documents

Ray Ban Harvard Square, 37 Brattle Street, Space 19, Cambridge, V19-074  
Exhibit - Variance Application and associated documents

Townhouse Apartments, 141 Sea Street, Quincy, V19-141 & C17-060  
Exhibit - Variance Application and associated documents

Block P, 400 Summer Street, Boston, V19-150  
Exhibit - Variance Application and associated documents

Three Story Structure, 194 Harvard Street, Cambridge, V19-200  
Exhibit - Variance Application and associated documents

The Old State House, 206 Washington Street, Boston, V19-213  
Exhibit - Variance Application and associated documents

19 Story Building, 212-222 Stuart Street, Boston, V19-218  
Exhibit - Variance Application and associated documents

Harrington Auditorium, 100 Institute Road, Worcester, V19-223  
Exhibit - Variance Application and associated documents

Student Center at Milton Academy, 170 Center Street, Milton, V19-224  
Exhibit - Variance Application and associated documents

Waverly Hall, 115 Mount Auburn Street, Cambridge, V19-252  
Exhibit - Variance Application and associated documents

New England Center for Children, 33 Turnpike Road, Southborough, V19-254  
Exhibit - Variance Application and associated documents

Curb Cuts, 42 Bridge Street, Great Barrington, V19-261  
Exhibit - Variance Application and associated documents

Group 1 and Group 2A bathtub and shower reinforcement.  
Thomas A. Svirsky, Cosentini Associates, 101 Federal Street, Suite 600, Boston  
Exhibit - Advisory Opinion

Group 1 Bathroom Design, Larry Braman, City of Cambridge, 521 CMR 42.3  
Exhibit - Advisory Opinion

Patient & Family Parking Garage, 283 Longwood Avenue, Boston (V19-210) - Variance Hearing  
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Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.